

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ETHAN GUESS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-08-0121-F
)	
UNITED STATES OF AMERICA,)	
et al.,)	
)	
Defendants.)	

ORDER

Plaintiff, a state prisoner appearing *pro se*, brings this Bivens civil rights action. Plaintiff's pleadings are liberally construed.


Magistrate Judge Doyle W. Argo's Report and Recommendation of June 20, 2008, is before the court. (Report, doc. no. 15.) In his Report, Magistrate Judge Argo recommends that plaintiff's requests for entry of default and default judgment (doc. nos. 12, 14) be denied. The Report also advises plaintiff that leave of court is not required in order for plaintiff to amend his complaint at this stage, and it sets out the manner in which plaintiff is directed to file his First Amended Complaint.

The Report advises plaintiff of his right to file an objection to the Report with clerk of this court by July 10, 2008. The Report further advises that failure to make timely objection to the Report waives plaintiff's right to appellate review of both factual and legal issues contained in the Report. Plaintiff has not filed an objection or response to the Report, and plaintiff has not sought an extension of time within which to file any objection or response.

After review of the issues covered in the Report, with no objection having been filed, and having concluded that no further analysis is necessary, the Report and

Recommendation of Magistrate Judge Doyle W. Argo is **ACCEPTED, ADOPTED,** and **AFFIRMED** in its entirety. Accordingly, plaintiff's requests for entry of default and default judgment (doc. nos. 12, 14) are **DENIED**. In light of the Report's directives regarding the manner in which plaintiff shall file his first amended complaint, the motion to amend is moot (doc. no. 11). This action remains referred to the Magistrate Judge under the terms of the original referral.

Dated this 24th day of July, 2008.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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